

House File 486 - Introduced

HOUSE FILE _____
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 30)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the regulation of commercial establishments
2 that house animals by the department of agriculture and land
3 stewardship.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1460HV 83
6 da/nh/5

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1 1 Section 1. Section 162.11, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. ~~The department may regulate a person who applies for or~~
1 4 ~~has been issued a certificate of registration may be denied or~~
1 5 ~~revoked if the person no longer possesses a current and valid~~
1 6 ~~federal license. Other than obtaining the certificate of~~
1 7 ~~registration from the secretary, any as a dealer, or~~
1 8 ~~commercial breeder, and any person who operates a commercial~~
1 9 ~~kennel, or public auction shall not be subject to further~~
1 10 ~~regulation under the provisions of this chapter only as~~
1 11 ~~provided in section 162.12.~~

1 12 Sec. 2. Section 162.12, Code 2009, is amended to read as
1 13 follows:
1 14 162.12 DENIAL OR REVOCATION OF CERTIFICATE OF REGISTRATION
1 15 OR LICENSE OR REGISTRATION.

1 16 1. ~~A This subsection applies to a person who applies to~~
1 17 ~~the department for a certificate of registration may be denied~~
1 18 ~~to any or has been issued a certificate of registration as a~~
1 19 ~~pound, or animal shelter, or research facility, and to a~~
1 20 ~~person who applies for a license or certificate of~~
1 21 ~~registration may be denied to any has been issued a license as~~
1 22 ~~a public auction, boarding kennel, commercial kennel, research~~
1 23 ~~facility, pet shop, commercial breeder, or dealer, or an~~
1 24 ~~existing certificate or license may be revoked by the~~
1 25 ~~secretary if, after public hearing, it is determined. The~~
1 26 ~~department may deny the person's application or revoke the~~
1 27 ~~person's certificate of registration or license, if the~~
1 28 ~~department determines that the housing facilities or primary~~
1 29 ~~enclosures are inadequate under this chapter or if the~~
1 30 ~~feeding, watering, cleaning, and housing practices at the~~
1 31 ~~pound, animal shelter, public auction, pet shop, boarding~~
1 32 ~~kennel, commercial kennel, research facility, or those~~
1 33 ~~practices by the commercial breeder or dealer, are not in~~
1 34 ~~compliance with this chapter or with the rules adopted~~
1 35 ~~pursuant to this chapter. The premises of each licensee or~~
2 1 ~~certificate holder such person shall be open for inspection~~
2 2 ~~during normal business hours.~~

2 3 2. ~~This subsection applies to a person who applies to the~~
2 4 ~~department for a certificate of registration or has been~~
2 5 ~~issued a certificate of registration by the department as a~~
2 6 ~~commercial kennel, public auction, dealer, or commercial~~
2 7 ~~breeder, because the person has been issued a federal license.~~

2 8 a. ~~The department may deny the person's application or~~
2 9 ~~revoke the person's certificate of registration upon any of~~
2 10 ~~the following:~~
2 11 (1) ~~The person's violation of a requirement in subsection~~
2 12 ~~1 that directly relates to providing for the health and~~
2 13 ~~welfare of an animal. A person does not violate subsection 1,~~
2 14 ~~including a rule adopted pursuant to this chapter, by failing~~
2 15 ~~to comply with an administrative requirement including but not~~
2 16 ~~limited to recordkeeping, that is imposed upon persons issued~~
2 17 ~~a certificate of registration or license pursuant to~~

2 18 subsection 1.

2 19 (2) The person's failure to retain the federal license.

2 20 b. The department shall not inspect the premises of a

2 21 person who has been issued a certificate of registration

2 22 pursuant to this subsection, unless the department first

2 23 receives a complaint.

2 24 EXPLANATION

2 25 This bill amends a provision in Code chapter 162
2 26 authorizing the department of agriculture and land stewardship
2 27 to regulate animals kept in commercial establishments.

2 28 Generally, commercial establishments must obtain a license or
2 29 certificate of registration. The bill addresses several types
2 30 of commercial establishments that have obtained a federal
2 31 license in lieu of a state license. The commercial

2 32 establishments of concern are a commercial kennel (Code
2 33 section 162.6), public auction (Code section 162.6), dealer
2 34 (Code section 162.7), and commercial breeder (Code section
2 35 162.8). A federally licensed commercial establishment must

3 1 still obtain a certificate of registration from the
3 2 department.

3 3 Two Code sections address certificates of registration
3 4 issued to a federally licensed commercial establishment. Code
3 5 section 162.11(2) provides that other than obtaining a
3 6 certificate of registration, the commercial establishment is
3 7 not subject to further departmental regulation. However, Code
3 8 section 162.12 provides that the department may deny an
3 9 application for a certificate of registration or revoke a
3 10 certificate of registration that has been issued if the
3 11 department determines that the practices of the commercial
3 12 establishment do not comply with the requirements of the Code
3 13 chapter. The Code section also provides that the premises of
3 14 a certificate holder must be open for inspection during normal
3 15 business hours.

3 16 The bill provides that the department may regulate a
3 17 federal licensee who holds a certificate of registration but
3 18 only under certain circumstances (Code section 162.11). The
3 19 department may deny or revoke the certificate of registration
3 20 based on a violation of state law directly regulating the
3 21 health and welfare of an animal. The bill rewrites a
3 22 requirement that provides that a denial or revocation may also
3 23 be based on a person's failure to retain a federal license.
3 24 In addition, the department is prohibited from inspecting the
3 25 premises of a federal licensee, unless the department first
3 26 receives a complaint (Code section 162.12).

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